

ATTORNEY DOCKET: M190.145.101

# United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name, that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "SURGICAL MICRO-BURRING INSTRUMENT AND METHOD OF PERFORMING SINUS SURGERY"

The specification of which  
a.   X   is attached hereto

b.        was filed on        as application serial no.        and was amended on        (if applicable) (in the case of a PCT-filed application) described and claimed in international no.        filed        and as amended on        (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a.   X   no such applications have been filed.  
b.        such applications have been filed as follows:

### FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119

(PRIVATE) COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

### ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

(PRIVATE) COUNTRY	APPLICATION NUMBER	DATE OF FILING	DATE OF ISSUE

I hereby claim the benefit under Title 35, United States Code, §112/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

(PRIVATE) U.S. APPLICATION NUMBER	DATE OF FILING	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Harold R. Patton	Reg. No. 22,157	Kenneth J. Collier	Reg. No. 34,982	Thomas G. Berry	Reg. No. 31,736
Michael J. Jero	Reg. No. 34,472	Daniel W. Latham	Reg. No. 30,401	Stephen Walter Bauer	Reg. No. 32,192
Gina Wolfe-Michael	Reg. No. 36,724	Curtis D. Kinghorn	Reg. No. 33,926	Timothy A. Czaja	Reg. No. 39,649
Thomas F. Woods	Reg. No. 36,726	Eric R. Waldoeath	Reg. No. 36,713		

### § 1.56 Duty of disclosure, fraud, striking or rejection of applications.

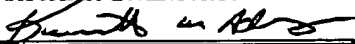

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

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Please direct all correspondence in this case to:

Timothy A. Craja, Esq.  
 DYCKE, BILLIG & CRAJA, PLLC  
 Fifth Street Towers, Suite 2250  
 100 South Fifth Street  
 Minneapolis, Minnesota 55402  
 Telephone No. (612) 573-2004

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PRIV ATE 2 0 1	Full Name of Inventor	FIRST NAME Kenneth	MIDDLE INITIAL M.	LAST NAME Adams
	Residence & Citizenship	CITY Jacksonville	STATE OR FOREIGN COUNTRY Florida	CITIZENSHIP United States
	Post Office Address	POST OFFICE ADDRESS 10336 Cypress Lakes Drive	CITY Florida	STATE/ZIP/COUNTRY Florida 32256 / United States of America
SIGNATURE OF INVENTOR 201 				DATE 9-4-03
2 0 2	Full Name of Inventor	FIRST NAME Cecil	MIDDLE INITIAL O.	LAST NAME Lewis
	Residence & Citizenship	CITY Jacksonville	STATE OR FOREIGN COUNTRY Florida	CITIZENSHIP United States
	Post Office Address	POST OFFICE ADDRESS 4170 Tradewinds Drive	CITY Jacksonville	STATE/ZIP/COUNTRY Florida 32250 / United States of America
SIGNATURE OF INVENTOR 202 				DATE 9/8/03

Additional pages for fourth and subsequent inventors attached.

☒ This Declaration ends with this page.